

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DENNY OWENS JR.,

Defendant.

CR-16-65-GF-BMM-JTJ

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS**

Defendant Denny Owens Jr. appeared before United States Magistrate Judge John Johnston on December 13, 2016, and entered a plea of guilty to Domestic Abuse by Habitual Offender as set forth in Count III of the Indictment. Judge Johnston entered Findings and Recommendations on December 13, 2016. (Doc. 26.) Judge Johnston determined: (1) that Owens was fully competent and capable of entering an informed and voluntary plea; (2) that Owens was aware of the nature of the charges against him and the consequences of pleading guilty to Domestic Abuse by Habitual Offender as charged in Count III of the Indictment; (3) that Owens understood his constitutional rights, and the extent to which he was waiving those rights by pleading guilty; (4) that Owens's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact establishing each of the

essential elements of the offense charged in Count III of the Indictment; (5) that Owens had adequate time to review the Plea Agreement with counsel; and (6) that Owens understood each provision of the Plea Agreement. (Doc. 26 at 1-2.) Judge Johnston recommended that this Court accept Owens's plea of guilty to Domestic Abuse by Habitual Offender as charged in Count III of the Indictment. (Doc. 26 at 2.) Neither party filed objections to Judge Johnston's Findings and Recommendations.

Given that no objections were filed, the Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Owens's Motion to Change Plea (Doc. 18) is GRANTED.
2. The Court will defer acceptance of the Plea Agreement (Doc. 19) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

DATED this 27th day of December, 2016.



Brian Morris
United States District Court Judge